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CANTER *v.* COMMONWEALTH.

June 19, 1918.

[96 S. E. 284.]

**1. Criminal Law (§§ 308, 327\*)—Presumption of Innocence—Burden of Proof.**—A person charged with crime is presumed to be innocent throughout the trial, and the burden of showing guilt to the exclusion of reasonable doubt is on the commonwealth never shifting to defendant.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 75.]

**2. Homicide (§ 250\*)—Evidence—Sufficiency.**—In a prosecution for murder, circumstantial evidence held not to show defendant guilty beyond a reasonable doubt; the facts being just as consistent with innocence as with guilt.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 149.]

Error to Circuit Court, Washington County.

James Canter was convicted of murder, and he brings error. Reversed and remanded.

*N P. Oglesby*, of Bristol, for plaintiff in error.

ELLIOTT'S KNOB IRON, STEEL & COAL CO. *v.* STATE CORPORATION COMMISSION.

June 13, 1918.

[96 S. E. 353.]

**1. Corporations (§ 592½\*)—Forfeiting of Charter—Constitutional and Statutory Provisions.**—A constitutional or statutory provision for forfeiture of a corporate charter to become effective before some legal step is taken by the commonwealth for the assertion of the forfeiture, as by inquest of office or by judicial proceeding, is in derogation of the common law, and will be strictly construed.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 594.]

**2. Evidence (§ 67 (1)\*)—Presumptions—Continued Existence of Corporation.**—Every presumption being in favor of the continued existence of a corporation, courts are disinclined to hold that the charter has been forfeited, especially where the state, which alone may declare a forfeiture in the absence of statute conferring such right on third persons, is not claiming it.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 328.]

**3. Corporations (§ 599\*)—Forfeiting of Charter—Nonpayment of**

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.